IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PITTSBURGH LEAVE OF YOUNG)
VOTERS and AMERICAN CIVIL)
LIBERTIES FOUNDATION OF)
PENNSYLVANIA,)
)
Plaintiffs,)
)
v.) 02: 06cv1064
PORT AUTHORITY OF ALLEGHENY)
COUNTY; and ANTHONY J. HICKTON,)
Director of Sales,)
,)
Defendants.)

MEMORANDUM ORDER

AND NOW this 8th day of December, 2006, it is hereby **ORDERED** as follows:

- 1. Plaintiffs' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT (*Document No. 22*) is **GRANTED** in its entirety. The decision to grant or deny leave is within the sound discretion of the district court, however, the command that leave is to be given freely when justice requires is a mandate that must be heeded. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *see Heyl & Patterson, Int'l, Inc. v. F.D. Rich Housing of the Virgin Islands, Inc.*, 663 F.2d 419, 425 (3d Cir. 1981), *cert. denied*, 455 U.S. 1018 (1982); Federal Rule of Civil Procedure 15(a).
- 2. Plaintiffs shall file their Amended Complaint FORTHWITH as a separate document.
- 3. Defendants' EMERGENCY MOTION TO VACATE CASE

 MANAGEMENT/SCHEDULING ORDER (Document No. 25) is GRANTED IN PART AND

DENIED IN PART. Insofar as Plaintiffs have substituted a new party plaintiff, the deadline to complete discovery is hereby extended to **FEBRUARY 15, 2007**.

4. Defendants have indicated that "if the Motion for Leave is granted (and the Fund is substituted as a plaintiff), Defendants intend on filing a motion to dismiss the entire action under Rule 12(b)(6)." Emergency Motion at ¶ 16. However, the filing any such motion to dismiss will not disrupt or impede the continuation of discovery.

5. The Post Discovery Status Conference in this matter currently scheduled for December 15, 2006 at 11:30 A.M. is cancelled and rescheduled to **February 16, 2007 at 2:30 P.M.**

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

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